

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON March 9, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Ryan Thum, Secretary
William Seitz, Member
Walt Haynes, Vice Chair
Frank Lau, Member
Malvin Wells, Member
Robert Miller, Member
John Tuttle, Member
John Muffo, Board of Supervisors Liaison
Marty McMahon, County Attorney
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: Joel Donahue, Member

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Miller, and unanimously carried the agenda was approved as amended Eagle Rock subdivision being placed prior to worksession on the agenda.

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

Mr. Rice opened public address; however, there being no speaker the public address session was closed.

NEW BUSINESS:

Eagle Rock Subdivision – request to allow private streets

Mr. Sandy stated the request is to allow private streets to a proposed subdivision. Generally frontage on a public street is required; however, private streets can be allowed if approved by the Board of Supervisors. There is no requirement for the Planning Commission to make recommendation; however, in previous requests the Board of Supervisors asked the Commission to review the requests. The proposed subdivision currently has 9 lots. The private streets will not be maintained by the state or county and there will be no public services allowed such as mail delivery or school bus service on the private street. The maximum grade is proposed at 17% and will have a 50 ft. right of way. The grade on the North facing slope could pose longer periods of ice or snow cover in the winter months. The road could be graded to meet VDOT standards. The development may not be adequately or safely served by fire and/or rescue personnel in the event of an emergency. The road is over 1800 ft. and the co. emergency services coordinator has expressed concern regarding water supply for fire protection. Other portions of Northwoods subdivision have been approved but never platted and recorded. Problems tend to occur between lot owners regarding maintenance, etc. when there is a private street.

Mr. Rice discussed the limits that were placed on the lots within Tejas subdivision. It was limited to 20 acres.

Mr. Seitz asked if the subdivision configuration could change prior to being submitted for approval.

Mr. Sandy would be limited to 9 lots and conditions could be placed to limit road length or specifications.

Mr. Lowell Bowman, Anderson & Associates, stated the plan submitted was a preliminary plat. The Tejas subdivision that was previously approved have more lots and is much larger in size than the current proposal. Based on Agricultural zoning only 9 lots can be achieved. A road maintenance agreement and access plan has been prepared. The road has been designed. All the requirements for a private road has been met. Median lot size is 7, maximum grade is 17%, 18 ft. minimum width with all weather surface. A plan review meeting with the county was held and there were no issues raised. In regards to fire and rescue access, a turn around at the end of the road will be provided that will adequately serve those vehicles. Snow and ice removal is covered by the road maintenance agreement and contractors will be hired to maintain the road.

Mr. Lau asked if lot 9 would be further developed and served by the private road. That could put severe strain on a private road.

Mr. Bowman stated that lot is also accessed by Haywood Lane. To my knowledge there is no further development of that property planned.

Mr. Thum can Haywood Lane be utilized. Concerned that people will not be able to navigate that steep of a road before a contractor could treat the road.

Mr. Bowman stated there was an existing road that was utilized for this plan. It may not be possible to upgrade Haywood Lane

Mr. Price, the Board of Supervisors passed a resolution that Haywood Lane would be upgraded provided the right of way is given. Willing to give the right of way; if the Board will proceed with the upgrades. Haywood Lane can not be utilized as part of this project. The 72 acres can be used by owners within the development for recreational purposes. The land has also been looked at by Churches, hunt clubs, etc. There is interest for land in this area.

Mr. Seitz why not VDOT standards

Mr. Price do not want a public street. There are people who prefer privacy and different quality of life. The only thing necessary to bring it to VDOT standards is to improve the grade. We can agree to that if necessary.

Mr. Bowman do not see an issue with building it to VDOT standards.

Mr. Price may need a little more time to discuss the request. The proposal came from the idea that professional people who work at the hospital need a closer place to live that is not necessarily part of a subdivision. The vision is for this to be 5-10 acre lots, rural environment allowing small scale agriculture activities. This area is a beautiful place to ride horses, etc. Want to be sure whatever is proposed is in compliance with the county code. Other subdivisions in the area have many more lots on a private road. All property cannot be served by public utilities. There are many nice homes in rural areas where public water is not available and do not have adequate fire protection. Any rezoning or future development would have to be brought back to this board. Lot 9 is the residual of the property. Initially like to provide some horseback riding trails. Do not see any issues regarding postal delivery or school bus service. Comfortable that this can be a desirable development.

Mr. Haynes current land use- wooded?

Mr. Price probably 80% wooded. A couple of areas have been cleared.

Mr. Wells have you considered a gated community.

Mr. Price it has been considered but one of the prospective buyers is not in favor of that; however, there will be signage to indicate that it is private property.

MR. Sandy remainder in conservation easement/

Mr. Price have considered and may do that at a later date. Other property on the mountain has been placed in conservation easements.

Jan Perfator, owner of Triple J Investments, been working on this project. One of the discussions has been the importance and need to have private properties for families. Lived on a farm, raised animals, etc. People do not enjoy being right on the road. Children are taken to the school bus currently because live 5-600 ft. from road. The choice of having land versus stepping on a bus. Do not have to worry about people driving off the road. Children can play without worries. Postal service not at the house is not a problem. Live 3 miles from town, never had issue with fire or rescue service. This property is only 1 mile from public water facilities. The project is important to the county.

Perfator grandson, competed in livestock competitions. This is a great plan because it enables people to raise animals. The initial grade to get into the property is 17%; however, the property is relatively flat. Many of the people I attend school with are not fortunate enough to be able to have animals. It is important to be close to the town/schools; however, need a place to get away.

Mr. Thum don't think the public services are the issue. If looking for a lot of this type will accept what comes with it. For a rural community it is common. Concern is that fire and rescue can access the property. Feel more comfortable that the road meets VDOT standards. There will be notices provided when the lot is purchased that it is a private road.

Mr. Sandy there are other regulations that would have to be met such as connectivity, etc. Think the actual road specs can be met; however, other regs may not be possible.

Mr. Bowman correct can meet design regs but not other regs such as connectivity, etc.

Mr. Thum just concerned about the specs of the design not issues such as connectivity. Does not make sense if there is not further development planned.

Mr. Wells grade today is not a problem like it was. He discussed requirements needed for fire response. The problem with private roads is lack of maintenance. If it is properly maintained should not be an issue to navigate. There should be mutual agreements to call on neighboring fire stations if additional water is needed.

Mr. Haynes stated he felt there were too many questions left to answer.

Mr. Seitz stated he resides in a subdivision with private roads. The roads need to be constructed to VDOT standards. Would like to hear a positive response from staff. Tabling would allow Mr. Price to meet with staff.

Mr. Rice stated he was concerned that approving would set a precedent and then a lot of private streets would be requested.

Mr. Seitz/Mr. Haynes table for one week (7-1 Lau opposed)

WORKSESSION:

On a motion by Mr. Wells, seconded by Mr. Thum and unanimously carried the planning commission opened the worksession.

Urban Development Areas (UDA) Updates

Mr. Sandy stated meetings had been held regarding 177 corridor. Staff, property owners, and open house was held. Consultants have prepared a presentation regarding TND-Infill ordinance, 177 area plan, comprehensive plan amendments, and new population figures.

Mr. Vlad Gavrilovic stated input from the meetings today was very informative.

Ms. Amanda Poncy discussed the new census data and the impacts on the UDA Acreage requirements. The new requirements are 204 acres-448 acres. Due to Christiansburg being required to develop a UDA, the area had to be reduced.

Mr. Sandy we tried to maintain some flexibility so the area may be revised to include a couple more parcels.

Mr. Poncy discussed an overview of zoning ordinance revisions to encourage TND principles. She reviewed the TND-Infill district features and objectives.

Mr. gavrilovic discussed key features. Submittal requirements should be similar to other zones (concept plan not required), reduced permit fees in return for survey requirement, minimum district size= 0 acres (would not be spot zoning since meets intent and purposes set forth in the ordinance), 2nd floor uses do not count toward density, BOS can grant variances.

The consensus of the commission was to reduce the fee in order to obtain a survey.

Mr. Gavrilovic discussed the 177 area plan. Goal is to plan for the long term development of the area. He discussed information gathered from the staff and property owners in the area. He defined key issues such as transportation, infrastructure, etc.

Mr. Sandy stated most property owners are ready to develop;however, have no funds. They would like the county to help with ideas to encourage development, incentives, etc. They also welcome the opportunity to sit together and discuss the future plans. The owners expressed an interest in obtaining help from economic development to locate commercial businesses. Existing businesses expressed they should not be required to pay for infrastructure again.

Sign Ordinance Amendment Discussion

Mr. Sandy stated we could defer for sake of time.

On a motion by Mr. Wells, seconded by Mr. Miller and unanimously carried the Planning Commission closed the worksession.

NEW BUSINESS:

Voting & Conflicts of Interests Discussion (Marty McMahon)

Mr. McMahon discussed the Conflict of Interest Act. Anytime there is a question call Marty. Not allowed to participate when there is a personal interest in the transaction. Personal interest is a financial benefit or liability that accrues to you or immediate family member or someone residing in your residence. Interest can be business interest (employee, owner, investor). Cannot participate in conversation or vote. Must abstain publicly or privately. When abstaining from vote need to specifically state why you are abstaining. Full declaration. Can participate in transaction when you are one in a many of a group. You must state that you are affected but can make a biased decision because one of many. Can abstain if meeting is missed and not informed on the topic up for vote.

LIAISON REPORTS:

Board of Supervisors

Ms. Biggs stated there was a work session on the budget; however, a tax rate could not be agreed upon. The budget includes a tax increase of .04 cents given the reassessment. .02 cents is proposed to go toward school construction. There are a lot of public safety and education needs. State continues to push down unfunded mandates. Appreciate dedication of staff and commission members.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No Report

Christiansburg Planning Commission

Mr. Rice stated the planning commission voted approval of the subdivision near the county line on Route 114.

Economic Development Committee

No Report

Public Service Authority

Mr. Wells stated the PSA met waterline to Brabham development has been delayed due to environmental issues.

Parks & Recreation

No report.

Radford Planning Commission

No report.

School Board

No report.

Transportation Safety Committee

No report.

Planning Director's Report

Mr. Sandy discussed the training event in April 27th. Please let staff know by April 13th.

There being no further business, the meeting was adjourned at 9:35 pm.